

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**Before the Honorable Gregory J. Fouratt
United States Magistrate Judge**

Clerk's Minutes

2:24-cv-00153-MIS-GJF

Leon-Herrera v. Bar-S Foods Co.

Date of Hearing: 7/2/2024
(not recorded)

Attorneys for Plaintiff: Adam Setra, Jorge Alvarez, and Frank Pehlke

**Attorney for Defendant
Bar-S Foods Co.:** Spencer Edelman

Attorneys for Defendant Jorge Isaacs: Raul Sedillo and Schuyler Willard

Proceedings: Telephonic Conference
Start Time: 1:15 p.m.
Stop Time: 1:29 p.m.
Total Time: 14 minutes

Clerk: MJM

Notes:

- The Court discussed with Plaintiff counsel the need for Mssrs. Setra and Pehlke to file notices of appearance if they intend to appear for future proceedings in this case.
- The Court advised that the purpose of the conference was to resolve whatever issues remain concerning the whereabouts of the tractor/trailer, its current condition, and arranging for inspections of it. The Court noted that Plaintiff's complaint sought a TRO and the Court was interested in resolving the issue without the presiding judge having to schedule a hearing, take evidence, and render a decision.
- Mr. Sedillo offered (helpfully) that the truck remains at the first place it was towed (Ortega's Wrecker Service in Santa Rosa, NM) after the accident, was locked, and had a legal hold on it. He also stated Defendants had contacted Plaintiff within three days of the filing of the complaint and at least five times since then for the purpose of arranging an inspection.
- Mr. Setra agreed that the process was moving forward and that communications with defense counsel had quelled Plaintiff's concerns and mooted the request for a TRO. He

also stated there was no Order needed from the Court regarding preserving the tractor/trailer or scheduling the inspection.

- Counsel for both defendants confirmed that Plaintiff's request was now moot.
- Mr. Setra did state that the Plaintiff left personal items (clothing, cell phone, etc.) in the truck that he would like back if they do not have evidentiary value. Mr. Sedillo stated the truck has been locked, and he would work with Plaintiff's counsel to retrieve his items.
- All parties stated nothing further was needed at this time.
- The Court adjourned.